IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY THIRD DAY OF SEPTEMBER
TWO THOUSAND AND FIVE

PRESENT

**THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY**

**WRIT PETITION NO : 16345 of 2005**

Between:

1 L.Imthiaz, s/o L.Lateef Sab,
r/o Aryapet, Madakasira, Anantapur District.
2 B.Sivappa, s/o B.Narasappa,
r/o Next Road, Madakasira, Anantapur District.
3 Ayaz, s/o late Kareem Sab,
r/o Aryapet, Madakasira, Anantapur District.
4 T.Rahamtulla, s/o Adam Sab,
r/o Pavagada Road, Madakasira, Ananthapur District.
5 B.Narayanappa, s/o B.Bhutayya,
Near Madhugiri Cross, Madakasira, Anantapur District.

**.. PETITIONERS**

AND

1 Gram Panchayat, Madakasira, Anantapur District rep., by the Village Secretary
2 Mandal Revenue officer, Madakasira, Anantapur District.

**...RESPONDENTS**

**THE HONOURABLE SRI JUSTICE B.SESHASAYANA REDDY**

**W.P.No. 16345 OF 2005**

**ORDER:**

1. When W.V.M.P.No. 2633 of 2005 came up for hearing, with the consent of both the parties the writ petition itself is taken up for disposal.

2. Virtually, this is second round of litigation. In the first round of litigation, when the possession of the petitioners is sought to be disturbed, they filed W.P.No. 7984 of 2003. The said writ petition came to be disposed of on 23-3-2005. The relevant portion of the order passed in the said writ petition reads as follows:

> "*Thus, it is clear that the version of the petitioners on the basis of which this writ petition is filed is false and without any basis and therefore no writ of mandamus as prayed for can be granted. However, keeping in view the fact that the petitioners are in physical possession of small extents of land in Sy.No. 414, which fact has been confirmed by the Revenue Divisional Officer and particularly in view of the fact that the said Sy.No.414 has been classified as 'government poramboke', I deem it appropriate to dispose of the writ petition granting*

*leave and liberty to the petitioners to make appropriate applications before the competent authority seeking assignment of the lands in their occupation. If any such applications are made within a period of four weeks from today, the same shall be considered and appropriate orders be passed in accordance with law by the competent authority. Till such orders are passed, the respondents are directed not to interfere with the possession of the petitioners in respect of the bunks in question situated in Sy.No. 414 of Madakasira village".*

3. Assailing the order passed in the writ petition the Grampanchayath represented by the Village Secretary, Madakasira filed Writ Appeal No. 782 of 2005 and the Writ Appeal came to be disposed of on 19-4-2005. Para 4 of the judgment passed in the Writ Appeal reads as follows:

"*In this view of the matter, we modify the order of learned single judge to the effect that while hearing the writ petitioners in the applications they make, 6th respondent may also give a notice to the Grampanchayat and hear their point of view before passing orders in accordance with law".*

4. The grievance of the petitioners is that the Mandal Revenue Officer passed the orders without hearing them, while notice being given to the Grampanchayath and thus, the order passed the Mandal Revenue Officer is in violation of the direction given in the writ appeal.

5. The learned standing counsel appearing for Grampanchayat submits that the order passed by the Mandal Revenue Officer came to be passed on the application filed by the petitioners and therefore, further hearing is not required to be given to them.

6. The Mandal Revenue Officer is required to pass the order in strict compliance to the direction given in Writ Appeal No. 782 of 2005. The judgment passed in Writ Appeal No. 782 of 2005 gives no scope for any ambiguity and the judgment is very clear that while hearing the writ petitioners in the application, Grampanchayath may also required to be given notice. The second part of the writ appeal order has been complied with by the Mandal Revenue Officer. When once he issued notice to the Grampanchayath, he is also required to hear the writ petitioners before passing the

order. Since, the impugned order is passed without hearing the writ petitioners, it amounts to clear violation of principles of natural justice and more so it is in contravention of the direction given in Writ Appeal No. 782 of 2005.

7. In that view of the matter, the order passed by the Mandal Revenue Officer cannot be sustained.

8. In the result, the writ petition is allowed, directing the Mandal Revenue Officer to pass orders in strict compliance of the direction given in the Writ Appeal No. 782 of 2005 within two months from the date of receipt of a copy of this order.

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B.Seshasayana Reddy, J.

23rd September, 2005.

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**THE HONOURABLE SRI JUSTICE B.SESHASAYANA REDDY**

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**W.P.No. 16345 OF 2005**

**23rd September, 2005.**